

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
7

8 GREGORY ALAN JOHNSON,

No. C 06-3257 SI (pr)

9 Petitioner,

**ORDER GRANTING CERTIFICATE
OF APPEALABILITY IN PART**

10 v.


11 JAMES A. YATES, Warden,

12 Respondent.
13 _____/

14
15 Petitioner has filed a notice of appeal and request for certificate of appealability. See 28
16 U.S.C. § 2253(c); Fed. R. App. P. 22(b). Petitioner has "made a substantial showing of the
17 denial of a constitutional right," 28 U.S.C. § 2253(c)(2), and reasonable jurists would find
18 debatable the district court's assessment of the claim in the petition that petitioner's right to due
19 process was violated by the jury instructions on felony murder and robbery. See Slack v.
20 McDaniel, 529 U.S. 473, 484 (2000). Accordingly, a certificate of appealability is GRANTED
21 on this claim. The certificate of appealability is DENIED as to all the other claims in the
22 petition. The clerk shall process the appeal.

23 IT IS SO ORDERED.

24 DATED: October 1, 2008



SUSAN ILLSTON
United States District Judge